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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/615,097 07/13/00 WEYER

A HM-345

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IM22/0828

EXAMINER

TRAN, L

ART UNIT

PAPER NUMBER

1725

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/615,097		WEYER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Len Tran		1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                                              |                                                                             |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hohenbichler et al (US 5,577,548).

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Hohenbichler et al discloses a method and an apparatus for changing the section of a billet, wherein opposed sides of the billet are in contact with oppositely positioned roll supports arranged below a continuous casting die, wherein the roll supports are comprised of segments having rolls, wherein the rolls are connected with jointed connection (figure 5, col. 5, lines 23-28). The method comprising the steps of advancing sequentially in a direction of continuous casting the segments toward the billet in a controlled sequence of adjusting steps for reducing the section of the billet as shown in figure 5, calculating an adjusting speed of the segments for advancing (col. 5, lines 18-23). The adjusting steps are carried out by hydraulic adjusting

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devices (col. 5, lines 62-67 through col. 6, lines 1-3). The position of the support segment (4, 5) can be suitably control from the control desk or be establish by a computer (col. 6, lines 55-65). In addition, because of the jointed connections, the adjusting speed of an exit side of one of the segment and the adjusting speed of an inlet side of an adjoining one of the segment in the casting direction are synchronous as shown in the figures.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenbichler et al ('548).

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Hohenbichler et al discloses the claimed invention above in paragraph 4, but fails to mention a constant adjusting speed.

It would have been obvious and conventional to one of ordinary skill in the art that the movement of the guide segment should be constant, since this allows a uniform strand withdrawal and avoid strand breakage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to set the guide segment reducing speed constant because this allow a uniform strand withdrawal and prevent the strand from breaking.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenbichler et al ('548) as applied to claim 1 above in paragraph 4, and further in view of Morwald et al (US 6,209,619).

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Hohenbichler et al discloses the claimed invention above, but fails to disclose the guide segment moved away from the billet.

Morwald et al discloses a method for changing a section of a billet in a continuous casting machine, wherein the segments are moved away from the billet (figure 2) for the purpose of adjusting the thickness of the cast strand.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide segments that moved away from the billet as taught by

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Morwald et al, in Hohenbichler et al because this allows the segment to be adjustable based on the desired thickness of the cast strand.

#### Citation of Relevant Art

8. Streubel (US 5,511,606), Scheurecker et al (US 4,400,680), JP 60-21150, and FR 2447764 are cited to show state of the art.

#### Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (703)605-1175. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3602 for regular communications and (703)305-3602 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Len Tran  
Examiner  
Art Unit 1725

LT  
August 16, 2001

  
M. Alexandra Elve  
Patent Examiner  
TC 1700